

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HECTOR L RESSY,

Plaintiff,

v.

JOHN DOE #1 THROUGH #8,

Defendants.

CASE NO. C14-5693 RBL

ORDER DENYING IFP

THIS MATTER is before the Court on Plaintiff Hector Ressay's application to proceed *in forma pauperis* [Dkt. #1]. Ressay's proposed complaint seeks to sue eight "John Does" (and no actual persons or entities) for generally violating his constitutional rights while arresting and incarcerating him.

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the

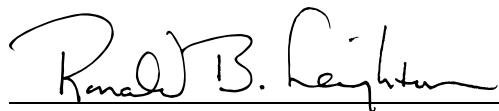
1 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
2 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
3 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
4 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
5 1984).

6 Plaintiff’s claim does not currently meet this standard. He has not identified the statutory
7 or other basis for them, or the actual factual basis for his claims—the “who, what, when, where
8 and why” of any of his claims. Instead, they are purely conclusory: “The acts and omissions of
9 John Does #1-#8 herein proximately caused the deprivation of [Ressy’s rights].” *See* Fed. R.
10 Civ. P. 8. This is insufficient as a matter of law. Who are the defendants? What did they do?
11 When?

12 Ressy’s application to proceed IFP is therefore DENIED without prejudice. He shall pay
13 the filing fee or file an amended complaint addressing these deficiencies within 15 days of this
14 Order or the case will be DISMISSED without further notice.

15 IT IS SO ORDERED.

16 Dated this 27th day of October, 2014.

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19 RONALD B. LEIGHTON
20 UNITED STATES DISTRICT JUDGE
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